

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEVINNA E. SMITH,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 18-cv-1326-CJP ¹
)	
COMMISSIONER of SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

PROUD, Magistrate Judge:

Before the Court is the parties' Joint Stipulation to Remand to the Commissioner. **(Doc. 29)**.

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will grant Plaintiff a new hearing, reevaluate the medical and other evidence, and issue a new decision."

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 12.

Plaintiff applied for disability benefits in August 2015. (Tr. 129). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Joint Stipulation to Remand to the Commissioner (**Doc. 29**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: March 12, 2019.

s/ Clifford J Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE